

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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OPTIGEN, LLC,

Plaintiff

- v -

INTERNATIONAL GENETICS,  
INC, *et al.*,

Defendants.

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5:09-CV-6  
(GTS/GJD)  
(LEAD CASE)

OPTIGEN, LLC,

Plaintiff

- v -

TEXAS A & M UNIVERSITY  
SYSTEM, *et al.*,

Defendants.

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5:09-CV-457  
(GTS/GJD)  
(MEMBER CASE)

GUSTAVE J. DI BIANCO, United States Magistrate Judge

**CONSOLIDATION ORDER**

The plaintiff, OptiGen, LLC (“OptiGen”) has sought consolidation of the two above actions.<sup>1</sup> Counsel for OptiGen and counsel for all defendants appeared by telephone conference with the Court on June 10, 2009, and there was no objection to the consolidation.

Upon review of the motions to consolidate and the information obtained during the telephone conference, it has been determined that the above actions are related. The General Orders of the Northern District of New York provide for reassignment of related cases. N.D.N.Y. General Order 12(G)(1). The court may also consolidate

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<sup>1</sup> A motion to consolidate was filed in both of the above-captioned cases. (Dkt. No. 33)(in 5:09-CV-6) and (Dkt. No. 19)(in 5:09-CV-457). The proposed orders were also submitted as letter-motions in each case. (Dkt. No. 35)(in 5:09-CV-6) and (Dkt. No. 23)(in 5:09-CV-457).

cases *sua sponte* pursuant to Fed. R. Civ. P. 42(a). *See Devlin v. Transportation Communs. Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999).

**WHEREFORE**, it is hereby

**ORDERED**, that plaintiff's motions to consolidate (Dkt. No. 33- in 5:09-CV-6) and (Dkt. No. 19- in 5:09-CV-457) are **GRANTED**, and it is

**ORDERED**, that the above actions are consolidated for all purposes and will remain assigned to the Honorable Glenn T. Suddaby, United States District Judge and the Honorable Gustave J. Di Bianco, United States Magistrate Judge with the **LEAD CASE** being *OptiGen, LLC. v. International Genetics, Inc., et al.*, 5:09-CV-6, and it is

**ORDERED**, that **any future papers in the above cases must be filed under the LEAD CASE: 5:09-CV-6**, and it is

**ORDERED**, that the Clerk of the Court shall file a copy of this Order in each of the above cases.

Dated: June 18, 2009

  
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Hon. Gustave J. DiBianco  
U.S. Magistrate Judge